

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM HUNT,

Plaintiff,

v.

MEDTRONIC USA, INC., a foreign company,

Defendant.

NO. 3:21-cv-05854

STIPULATION AND ORDER
REGARDING MEDTRONIC USA, INC.'S
RESPONSE TO COMPLAINT

The parties to this action, by and through their undersigned counsel, respectfully submit this stipulation and proposed order to the Court, stating as follows: On July 29, 2022, this Court issued an Order on Medtronic USA, Inc.'s ("Medtronic") filed its Motion to Dismiss Plaintiff's Complaint. The Order granted dismissal with leave to amend on Plaintiff's claim for breach of contract and denied as to Plaintiff's claims for negligence and violation of the Consumer Protection Act. The parties have conferred and agreed that Medtronic's Answer, Motion to Dismiss, or other responsive pleading on all claims shall not be due until Plaintiff files a Second Amended Complaint.

STIPULATION AND ORDER
REGARDING MEDTRONIC USA, INC.'S
RESPONSE TO COMPLAINT - 1 of 3

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1 Medtronic will file an Answer, Motion to Dismiss as to the breach of contract claim, or
2 other responsive pleading, no later than twenty-one (21) days from service of Plaintiff's Second
3 Amended Complaint on September 2, 2022. Should Plaintiff elect not to amend, Medtronic's
4 Answer or other responsive pleading will be filed no later than fourteen (14) days from
5 September 2, 2022.

6 Accordingly, it is hereby STIPULATED by the Parties and ORDERED by the Court:

7 **ORDER**

8 If Plaintiff elects to amend his complaint and file a second amended complaint,
9 Medtronic USA, Inc. shall have until September 23, 2022 to file its Motion to Dismiss the
10 Second Amended Complaint, or other responsive pleading;

11 If Plaintiff elects not to amend, Medtronic USA, Inc. shall have until September 16,
12 2022 to file its Answer or other responsive pleading.

13 SO ORDERED this 16th day of August, 2022.

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BENJAMIN H. SETTLE
United States District Judge

19 Presented by:

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